

DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT

Hancock Forest Management Access Road Project
U.S. Forest Service
Klamath National Forest
Happy Camp / Oak Knoll Ranger District
Jackson County, OR

DECISION

I find, based on my review of the Hancock Forest Management Access Road Project Environmental Assessment (EA), that access to AP Timber's property cannot be reasonably located on AP Timber's land; thus, it is appropriate to allow AP Timber to cross NFS lands to access its property. Based upon my review of the EA, I have decided to implement the Proposed Action. My decision approves clearing and reconstruction of 2,500 feet of an existing roadbed, and construction of 250 feet of new road across national forest system (NFS) lands by AP Timber LLC to access its property.

DECISION RATIONALE

The Forest Service must allow access across NFS lands to inholdings if no other reasonable access is available and the access would not conflict with the existing management direction in the Klamath Forest Plan (EA pg. 6).

AP Timber owns a 320-acre inholding in Township 40 South, Range 1 East, Section 28 (EA pg. 4). There is road access to the northwest corner of the property; however, in my opinion, this road does not provide reasonable access to approximately 211 acres or about 66 percent of the AP Timber ownership (EA pg. 12). Thus, AP Timber is unable to manage their land with the existing access. The EA defines "reasonable access" as technically feasible¹, economically feasible² and demonstrating common sense (EA page 13, footnote 8). Reasonable access could be provided across NFS lands to AP Timber's ownership by clearing and reconstructing 2,500 feet of an existing roadbed and extending that road 250 feet. Other alternatives were considered, but I believe the proposed action best meets the definition of "reasonable access". The proposed action is technically and economically feasible and demonstrates common sense. If AP Timber's lands were owned by the federal government, the Forest Service would likely use the proposed action to access the parcel.

¹ "Technically feasible" means that the work can be done with equipment commonly available using standard methods common in the area with a high probability of achieving the project objectives.

² "Economically feasible" means that a project must be reasonable to implement from a cost standpoint by a prudent operator using available equipment and workmanlike standards customary in the area.

Three alternatives to the proposed action were considered (EA pg. 13).

- Option 1 would open and reconstruct an about 4,500 feet of abandoned valley-bottom road along Cottonwood Creek. About 1,000 feet of road would be on NFS lands, with the remainder on AP Timber lands. This option would not be consistent with the Klamath Forest Plan on NFS lands because of impacts to Riparian Reserves. This option would also likely not be consistent with the Oregon Forest Practices Act, and fails to provide technically feasible access for cable logging. Thus, I do not believe this option provides AP Timber reasonable access. (EA pg. 14).

When compared to Option 1- rebuilding a valley-bottom road (EA pg. 13) – the proposed action that would reopen an upland road to allow AP Timber to yard logs uphill to a ridgetop road (EA pg. 22-41) has far less environmental impact. Common sense would find the proposed action to be a better alternative.

- Option 2 would use existing roads on AP Timber's property and use long-span skyline logging systems to harvest timber. Logging systems required for this alternative are not technically feasible, would cause extensive cable damage to existing plantations and would not access about 75 acres of AP Timber's property. Thus, I do not believe this option provides AP Timber reasonable access (EA pg. 15).

When compared to Option 2 -long-span skyline yarding from an existing road - the proposed action allows access to all of AP Timber's ownership with conventional cable logging systems that are technically and economically feasible, and that have little or no impact on existing plantations. Common sense would find the proposed action to be a better alternative than Option 2.

- Option 3 would use heavy lift helicopters to harvest timber and fly the logs to existing roads. Public comments supported this alternative and argued that it provided reasonable access. Flying logs uphill is not economically feasible because the cost of flying the logs would exceed their value. Flying logs downhill would involve flight distances of more than a mile and require construction of a large landing on the 40S06 road on NFS lands in a riparian reserve. Long flight distances also make this alternative economically infeasible because the cost would exceed the value of the logs removed. I do not believe this alternative provides AP Timber with reasonable access (EA pg. 16). Construction of a log landing in a riparian reserve is not consistent with the Klamath Forest Plan. It is also unlikely that construction of the log landing would be consistent with the Klamath Forest Plan visual standards.

When compared to the proposed action, Option 3-helicopter yarding - the proposed action is economically feasible and would be consistent with the Klamath Forest Plan. Common sense would find the proposed action to be a better alternative than Option 2, which is neither economically feasible nor consistent with the Forest Plan.

I selected the proposed action because it provides reasonable access to allow the owner AP Timber, to manage its property. Based on the analysis in the EA, I believe this alternative is technically and economically feasible and demonstrates common sense. The proposed action is also consistent with the Klamath Forest Plan. A special use permit with terms and conditions for reconstruction and use of the road will be issued to AP Timber pursuant to Title 36, Code of

Federal Regulations, Part 251, Subpart B, Special Uses. This permit provides the means to protect national forest resources during reconstruction use and occupancy of the proposed road by AP Timber LLC.

In summary, AP Timber does not currently have reasonable access to a substantial part of their ownership. Clearing and reconstructing a little over 3 acres of an existing upland road that is in a stable location on NFS lands, to allow AP Timber to access their property with conventional logging systems makes more sense than requiring AP Timber to access their land using technically infeasible long-span skyline, economically infeasible helicopter systems or environmentally destructive valley bottom roads. If AP Timber's property was owned by the federal government and part of the NFS, I would access it as described in the proposed action as a matter of simple common sense.

The Hancock Forest Management Access Road Project EA documents the environmental analysis and conclusions upon which this decision is based.

PUBLIC INVOLVEMENT

This action was originally listed as a proposal on the Klamath National Forest Schedule of Proposed Actions in April 2014 and updated periodically during the analysis. People were invited to review and comment on the proposal through notice published in the newspaper of record, the Siskiyou Daily News, mailing of notices to interested and affected parties and posting of notices on the project website on October 18, 2016. Comment letters received during scoping were used to inform the analysis, to explore other alternatives provided by the public, and to gauge public concern for the project and its effects. A review copy of the EA was made available on the project website on December 12, 2017. The single comment letter received on the review copy of the EA provided useful information to identify issues that needed clarification and to evaluate alternatives to the proposed action.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

Granting AP Timber access to its land as described in the proposed action is consistent with the Klamath National Forest Land Management Plan as required by the National Forest Management Act. The project was designed in conformance with standards and guidelines for special use authorizations 17-6 on page 4-40 of the Klamath Forest Plan that states:

Limit special uses, including utility corridors and transportation rights-of-way, to those that cannot be reasonably located on private land and that do not conflict with management area objectives. (Forest Plan 4-40).

The project area is in Management Area 15, Partial Retention (Forest Plan, pg. 4-126). An analysis of visual impacts by the Forest Service determined the project would not be seen from high use vantage points, and was therefore consistent with the partial retention visual standard (EA pg. 41). Based on a review of the Forest Plan Consistency Checklist, I find the proposed action to be consistent with management direction found in the Klamath Forest Plan.

A Biological Assessment determined that the existing roadbed that would be reconstructed, and the location of the 250 feet of new construction are not habitat: there would be no effect on

species listed as threatened or endangered under the Endangered Species Act (EA pg. 36). The proposed action would have no effect on historic properties (prehistoric, historic or traditional cultural) and complies with Section 106 of the National Historic Preservation Act (EA pg. 42).

A Finding of No Significant Impact (FONSI) and EA were considered. I determined these actions will not have a significant effect on the quality of the human environment, and an Environmental Impact Statement (EIS) will not be prepared.

FINDING OF NO SIGNIFICANT IMPACT³

The significance of environmental impacts must be considered in terms of context and intensity. In the case of a site-specific action, significance usually depends upon the effects in the locale rather than in the world as a whole. Intensity refers to the severity or degree of impact. (40 CFR 1508.27)

CONTEXT

For the proposed action and alternatives, the context of the environmental effects is based on the environmental analysis in this EA. The effects of proposed action are local in nature, and limited in scope and duration because:

- The proposed access would be provided by opening and reconstructing a road that already exists and extending it 250 feet on a broad ridge.
- Approximately three acres of National Forest System lands that is already in an existing roadbed would be affected. About 0.2 acres would be affected in the 250-foot extension.
- Although the roadbed has had no maintenance for over 30 years, there is no sign of excessive erosion or mass wasting from the road, indicating it is stable and unlikely to contribute to sediment from mass wasting or road failure in the future (see Watershed Report on the Project website, pg. 29-33).
- The complete lack of hydrologic connectivity in the proposed action limits any potential sediment impacts to the site scale. Although the permit life is expected to be ten years in duration, the access road in the proposed action would be used only intermittently during that period and would be closed when not in use (EA pg. 8-9).

Connected actions on AP Timber lands would proceed under the regulations of the Oregon Forest Practices Act which include requirements to protect riparian habitat, sensitive soils, threatened and endangered species and other plant and animal species as appropriate.

The proposed action is expected to have either no effect or negligible and discountable adverse effects to Forest resources; the proposed action does not pose significant short or long-term

³ This Finding of No Significant Impact (FONSI) was published in the draft EA and available for public comment. No comments were received on the FONSI. It appears here as published in the draft EA but with updated page numbers.

adverse effects or contribute to significant adverse watershed cumulative effects (EA pg. 22-28) or terrestrial or aquatic wildlife cumulative effects (EA pg. 29-46).

This discussion of the project's context provides meaning to the intensity of effects described below to support the rationale for a finding of no significant impact related to each factor.

INTENSITY

Intensity is a measure of the severity, extent, or quantity of effects, and is based on information from the effects analysis of this EA and the references in the project record. The effects of this project have been appropriately and thoroughly considered with an analysis that is responsive to concerns and issues raised by the public. The agency has taken a hard look at the environmental effects using relevant scientific information and knowledge of site-specific conditions gained from field visits. Although the Forest Service has no jurisdiction or control of any kind on connected actions on AP Timber lands, the cumulative effect of those actions was considered in this analysis. A finding of no significant impact is based on the context of the project and intensity of effects using the ten factors identified in 40 CFR 1508.27(b).

The intensity of effects was considered in terms of the following:

- 1. Impacts may be both beneficial and adverse.**

The proposed action – granting access across NFS land and reconstructing an existing road – has a beneficial effect in that it provides a private landowner with reasonable access to their property by the least impacting feasible method. The existing road, once reconstructed, provides access for the landowner and the Forest Service for fire protection, a recognized public good. Any adverse effects of reconstructing the existing road are minor and discountable (EA pg. 19-48). Terrestrial and aquatic wildlife habitat (EA p. 29-48) is minimally affected and there are no discernible effects to water quality from the proposed action (EA pg. 22-29). Connected actions on AP Timber lands would benefit local and regional economies. Connected actions on AP Timber lands are regulated by the Oregon Forest Practices Act and require protection of both watershed and wildlife values by the application of sound forest management practices.

- 2. The degree to which the proposed action affects public health or safety.**

No adverse impacts to public health and safety that are related to the proposed action have been identified (See Environmental Consequences section of this EA, pg. 19-48). The proposed action provides access to private lands and would access private road networks once they are constructed. This provides additional access for fire suppression which can benefit public health and safety. The ridgetop road that would be constructed on Hancock lands would provide a fuel break which also contributes to public safety (EA pg. 47). Smoke from slash disposal would be managed in compliance with State of Oregon requirements under the Clean Air Act. Cumulative effects on air quality are unlikely because of the regulatory framework in place, the limited scale of the actions on federal lands and the dispersal of actions over time on AP Timber's lands (EA pg. 47). Based on this EA there is no significant adverse effect on public health or safety from implementation of the proposed action. The access road that would be reconstructed and used under the terms of a special use permit is not open to the public for vehicle travel and therefore poses no threat to the public from use.

3. Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

There are no unique characteristics of the project area that distinguish it from the surrounding public lands. The project area is an existing roadbed that is not adjacent to any wild and scenic river or ecologically critical areas. There are no known wetlands, parklands or prime farmlands that would be adversely affected by the proposed action. The project area and AP Timber lands are six to seven air miles west of the Cascade-Siskiyou National Monument.

Connected actions would be regulated by the Forest Practices Act of the State of Oregon which requires protection of ecologically critical areas.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The effects of opening and reconstructing an existing road are clearly described in this assessment (EA pg. 19-48). This assessment shows there is no scientific controversy as to the effects of the proposed action of opening an existing road. No evidence of any scientific controversy was provided in scoping comments.

Connected actions on private lands are regulated by the Oregon Forest Practices Act. There is no scientific controversy as to the effects of actions on private lands. These are routine and commonly applied practices that are regulated by the State of Oregon.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

There are no unique or unknown risks in approving access and issuing a special use permit for reconstructing an existing roadbed and opening it for permittee's use (EA pg. 19-48).

Connected actions on private lands are common practices that are regulated by the State of Oregon under the Oregon Forest Practices Act and do not involve any unique or unknown risks.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

Approving access across NFS lands and issuing a special use permit are routine actions with a prescribed process and regulatory framework under 36 CFR 251 and 36 CFR 212. There is nothing in this project that does not fit into that framework (EA pg. 7-9). This is a routine action that does not establish any precedent.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

Cumulative effects of the proposed action with connected and reasonably foreseeable future actions on Hancock lands were considered throughout this analysis. The proposed action and connected actions are separated by a subwatershed boundary. The proposed

action occurs in a separate subwatershed from connected actions on private lands. This eliminates any possibility of cumulative watershed effects at the 7th field subwatershed scale. At the 6th field scale, discernable cumulative watershed effects are unlikely (EA pg. 27). Cumulative impacts of the proposed action and connected actions on wildlife habitat are negligible (EA pg. 44-46).

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

There are no objects listed in or eligible for listing in the National Register of Historic Places within the project area. There is no effect to historic properties (prehistoric, historic or traditional cultural) from the proposed action. The project complies with Section 106 of the National Historic Preservation Act (EA pg. 48).

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

A Biological Assessment for aquatic species determined that there would be no effect on threatened or endangered aquatic species or their habitat from the proposed action (EA pg. 43). A Biological Assessment for terrestrial wildlife species determined that the project area is not habitat, and that the project would have no effect on northern spotted owls or critical habitat (EA pg. 41)

Connected actions on private lands would be subject to consultation with regulatory agencies when those projects are ripe for consideration. That consultation is not a part of this EA.

10. Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment.

The proposed action on NFS lands is consistent with the Forest Plan and is therefore consistent with federal laws and regulations (EA pg. 48).

Connected actions on private lands would proceed under the requirements of Oregon Forest Practices Act.

After considering the effects of the actions analyzed, in terms of context and intensity, I have determined that these actions will not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement will not be prepared.

OBJECTION OPPORTUNITIES

This proposed decision is subject to objection pursuant to 36 CFR 218, Subparts A and B. Objections will only be accepted from those who submitted project-specific written comments during scoping or other designated comment period. Issues raised in objections must be based on previously submitted comments unless based on new information arising after the designated comment period(s).

Objections must be submitted within 45 days following the publication of the Notice of Availability in the Siskiyou Daily News, which is the exclusive means for calculating the time to file an objection. Those wishing to object should not rely upon dates or timeframes provided by any other source. It is the objector's responsibility to ensure evidence of timely receipt (36 CFR 218.9).

Objections may be submitted via mail, Fax (707-562-9229) or delivered during business hours (M-F 8:00am to 4:00pm). Objections must be submitted to the reviewing officer: Randy Moore, Regional Forester, USDA Forest Service; Attn: *Hancock Forest Management Access Road Project*; 1323 Club Drive, Vallejo, CA 94592. Phone (707) 562-8737. Electronic objections, in common formats (.doc, .pdf, .rtf, .txt) formats, may be submitted to: objections-pacificsouthwest-regional-office@fs.fed.us with Subject: *Hancock Forest Management Access Road Project*.

For additional information about how to object, contact Elsa Gustavson
Acting Forest Environmental Coordinator at egustavson@fs.fed.us or 530-841-4428.

If an objection is received, notice of an objection resolution meeting open to the public will be posted on the Klamath National Forest website.

IMPLEMENTATION DATE

Implementation of the decision may begin immediately following notice of this decision to interested and affected parties.

ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES

My decision is subject to administrative appeal by the proponent pursuant to 36 CFR 214.

IMPLEMENTATION DATE

This proposal shall be immediately implemented unless an authorized stay is granted under 36 CFR 214.13(b) or an automatic stay goes into effect under 36 CFR 214.13(c).

CONTACT

For additional information concerning this decision, contact: Elsa Gustavson
Acting Forest Environmental Coordinator at egustavson@fs.fed.us or 530-841-4428

Patricia A. Grantham
Forest Supervisor
Klamath National Forest

Date

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